

IC 9-22-5

Chapter 5. Scrapping Motor Vehicles

IC 9-22-5-1

Officers authorized to act for their units of government

Sec. 1. The following officers may act for their respective units of government under this chapter:

- (1) The sheriff, for a county.
- (2) The chief of police, for a city.
- (3) A town marshal, for a town.
- (4) A township trustee, for a township.
- (5) A state police officer, for the state.

As added by P.L.2-1991, SEC.10.

IC 9-22-5-2

Application for authority to dispose of vehicle for scrap metal

Sec. 2. A:

- (1) person, firm, corporation, limited liability company, or unit of government upon whose property or in whose possession is found an abandoned motor vehicle; or
- (2) person who owns a motor vehicle that has a title that is faulty, lost, or destroyed;

may apply to the sheriff of the county in which the motor vehicle is located for authority to sell, give away, or dispose of the motor vehicle for scrap metal.

As added by P.L.2-1991, SEC.10. Amended by P.L.8-1993, SEC.173.

IC 9-22-5-3

Application form; duplicate form; filing with bureau; retention by sheriff

Sec. 3. The application required under section 2 of this chapter shall be made in duplicate upon forms prescribed and furnished by the bureau. One (1) copy of the application shall be filed with the bureau and one (1) copy of the application shall be retained by the sheriff.

As added by P.L.2-1991, SEC.10.

IC 9-22-5-4

Application; required information; affidavit

Sec. 4. (a) The application required under section 2 of this chapter must include the following information:

- (1) The name and address of the applicant.
- (2) The year, make, model, and engine number of the motor vehicle, if ascertainable, together with any other identifying features.
- (3) A concise statement of the facts surrounding the abandonment of the motor vehicle, that the title of the motor vehicle is lost or destroyed, or the reasons for the defect of title in the owner of the motor vehicle.

(b) The person making the application required under section 2 of this chapter shall execute an affidavit stating that the facts alleged in

the application are true and that no material fact has been withheld.
As added by P.L.2-1991, SEC.10.

IC 9-22-5-5

Examination by sheriff of application; sheriff's notice; posting, publication, and mailing of notice

Sec. 5. (a) The sheriff shall examine each application made under section 2 of this chapter. If the sheriff finds that the application:

- (1) is executed in proper form; and
- (2) shows that the motor vehicle described in the application has been abandoned upon the property of the person making the application or that the person making the application is the person who owns the motor vehicle;

the sheriff shall prepare a written notice.

(b) The notice required under subsection (a) must include the following information:

- (1) The name and address of the applicant.
- (2) The year, make, model, and engine number of the motor vehicle, if ascertainable, together with any other identifying features of the motor vehicle.
- (3) That the motor vehicle has been abandoned, that the title to the motor vehicle is lost or destroyed, or that there is a defect of the title in the person who owns the motor vehicle.
- (4) That the motor vehicle will be sold for scrap metal unless a claim or protest is made.

(c) The sheriff shall, within five (5) days after receiving an application required under section 2 of this chapter, cause the notice required under subsection (a) to be distributed as follows:

- (1) Posted at the door of the courthouse for a period of thirty (30) days before sale.
- (2) Published once in a newspaper of general circulation of the county in which the motor vehicle is located at least thirty (30) days before sale.
- (3) Sent to the last person who owned the motor vehicle, if known.

As added by P.L.2-1991, SEC.10.

IC 9-22-5-6

Claim made by vehicle owner before sale; return of vehicle; costs

Sec. 6. If an abandoned motor vehicle for which an application for sale under this chapter has been filed is claimed by the person who owns the motor vehicle before the sale occurs and the person provides satisfactory evidence of ownership to the sheriff, the motor vehicle shall be returned to the person upon payment by the person of the costs of preserving the motor vehicle during the period of abandonment, together with the costs of publication of notice.

As added by P.L.2-1991, SEC.10.

IC 9-22-5-7

Issuance of certificate of authority to sell vehicle for scrap metal; authorization to accept certificate of authority as substitute for

certificate of title

Sec. 7. If a claim or protest is not made before sale, the person who filed the application required under section 2 of this chapter shall, upon payment of the costs of publication of notice, be given a certificate of authority to sell the motor vehicle to a licensed junk dealer or an established automobile wrecker for scrap metal. The licensed junk dealer or established automobile wrecker shall accept the sheriff's certificate of authority instead of the certificate of title to the motor vehicle.

As added by P.L.2-1991, SEC.10.

IC 9-22-5-8

Certificate of authority; form; copies; required information

Sec. 8. The certificate of authority required under section 7 of this chapter shall be made in triplicate on forms prescribed and furnished by the bureau. The certificate of authority must contain the following information:

- (1) The name and address of the person who filed the application required under section 2 of this chapter.
- (2) The year, make, model, and engine number, if ascertainable, together with any other identifying features of the motor vehicle that has been authorized to be sold for scrap metal.

As added by P.L.2-1991, SEC.10.

IC 9-22-5-9

Certificate of authority; copies; retention by sheriff; filing with bureau

Sec. 9. The sheriff shall retain one (1) copy of the certificate of authority required under section 7 of this chapter. The sheriff shall send one (1) copy of the certificate of authority to the bureau.

As added by P.L.2-1991, SEC.10.

IC 9-22-5-10

Certificate of title not issuable after delivery to bureau of certificate of authority to sell vehicle for scrap metal

Sec. 10. After a certificate of authority required under section 7 of this chapter has been delivered to the bureau under section 9 of this chapter, a certificate of title may not be issued for the motor vehicle described in the certificate of authority.

As added by P.L.2-1991, SEC.10.

IC 9-22-5-11

Application and certificate of authority; fees

Sec. 11. A fee may not be charged for the filing of an application under section 2 of this chapter or for the issuance of a certificate of authority under section 7 of this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-5-12

Proceeds from sale of vehicle for scrap metal; sales under this

chapter by owners of vehicles having faulty, lost, or destroyed titles

Sec. 12. The person who:

(1) owns a motor vehicle that has a title that is faulty, lost, or destroyed; and

(2) sells the motor vehicle under this chapter;

may retain the proceeds of the sale for the person's use and benefit.

As added by P.L.2-1991, SEC.10.

IC 9-22-5-13

Sales by persons other than owners; proceeds; payment to circuit court clerk; claim by vehicle owner; escheat to common school fund

Sec. 13. (a) A person not described in section 12 of this chapter who sells an abandoned motor vehicle under this chapter may retain from the proceeds of sale the cost of publication of notice and the cost of preserving the motor vehicle during the period of the vehicle's abandonment. The person shall pay the remaining balance of the proceeds of the sale to the circuit court clerk of the county in which the abandoned motor vehicle is located.

(b) At any time within ten (10) years after the money is paid to the clerk, the person who owns the abandoned motor vehicle sold under this chapter may make a claim with the clerk for the sale proceeds deposited with the clerk. If ownership of the proceeds is established to the satisfaction of the clerk, the clerk shall pay the proceeds to the person who owns the abandoned motor vehicle.

(c) If a claim for the proceeds of the sale of an abandoned motor vehicle under subsection (b) is not made within ten (10) years, claims for the proceeds are barred. The clerk shall notify the attorney general and upon demand pay the proceeds to the attorney general. The attorney general shall turn the proceeds over to the treasurer of state. The proceeds vest in and escheat to the state common school fund and shall be distributed as a part of the common school fund.

As added by P.L.2-1991, SEC.10.

IC 9-22-5-14

Storing, furnishing supplies for, or repairing vehicles; duty to obtain name and address of owner; record book; inspection by police officers of record book

Sec. 14. (a) An individual, a firm, a limited liability company, or a corporation engaged in the business of storing, furnishing supplies for, or repairing motor vehicles, trailers, semitrailers, or recreational vehicles shall obtain the name and address of the person who owns a motor vehicle, trailer, semitrailer, or recreational vehicle that is left in the custody of the individual, firm, limited liability company, or corporation for storage, furnishing of supplies, or repairs at the time the motor vehicle is left.

(b) The individual, firm, limited liability company, or corporation shall record in a book the following information concerning the motor vehicle:

(1) The name and address of the person who owns the motor

vehicle.

(2) The license number of the motor vehicle.

(3) The date on which the motor vehicle was left.

(c) The book shall be provided and kept by the individual, firm, limited liability company, or corporation and shall be open for inspection by an authorized police officer of the state or of a city or town or by the county sheriff.

(d) If a motor vehicle, trailer, semitrailer, or recreational vehicle is stored by the week or by the month, only one (1) entry on the book is required for the period of time during which the motor vehicle is stored.

As added by P.L.2-1991, SEC.10. Amended by P.L.8-1993, SEC.174.

IC 9-22-5-15

Lien for labor on, materials for, storage of, or repair of a motor vehicle; sale of vehicle to satisfy lien; advertisement of sale; notice by mail; satisfaction by record lienholders; public auction; sale proceeds; sales certificate; certificate of title

Sec. 15. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person who owns the motor vehicle has a lien on the vehicle to the reasonable value of the charges for the labor, materials, storage, or repairs.

(b) If:

(1) the charges made under subsection (a) are not paid; and

(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;

within thirty (30) days from the date on which the motor vehicle was left in the possession of the individual, firm, limited liability company, or corporation for repairs, storage, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold before fifteen (15) days after the date the advertisement required by subsection (c) has been placed or after notice required by subsection (d) has been sent, whichever is later.

(c) Before a vehicle may be sold under subsection (b), an advertisement must be placed in a newspaper of general circulation printed in the English language in the city or town in which the lienholder's place of business is located. The advertisement must contain at least the following information:

(1) A description of the vehicle, including make, type, and manufacturer's identification number.

(2) The amount of the unpaid charges.

(3) The time, place, and date of the sale.

(d) In addition to the advertisement required under subsection (c), the person who holds the mechanic's lien must notify the person who owns the motor vehicle and any other person who holds a lien of record at the person's last known address by certified mail, return receipt requested, that the vehicle will be sold at public auction on a specified date to satisfy the lien imposed by this section.

(e) A person who holds a lien of record on a vehicle subject to sale under this section may pay the storage, repair, or service charges due. If the person who holds the lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.

(f) If the person who owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder for cash. A person who holds a mechanic's lien under this section may purchase a motor vehicle subject to sale under this section.

(g) A person who holds a mechanic's lien under this section may deduct and retain the amount of the lien and the cost of the advertisement required under subsection (c) from the purchase price received for a motor vehicle sold under this section. After deducting from the purchase price the amount of the lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person who owns the motor vehicle if the person's address or whereabouts is known. If the address or whereabouts of the person who owns the vehicle is not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person who holds the mechanic's lien has a place of business for the use and benefit of the person who owns the vehicle.

(h) A person who holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

- (1) The facts of the sale.
- (2) The vehicle identification number.
- (3) The certificate of title if available.
- (4) A certificate from the newspaper showing that the advertisement was made as required under subsection (c).

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

As added by P.L.2-1991, SEC.10. Amended by P.L.8-1993, SEC.175.

IC 9-22-5-16

Sales by dealers of rebuilt vehicles; disclosures

Sec. 16. A seller that is:

- (1) a dealer; or
- (2) another person who sells, exchanges, or transfers at least five
- (5) vehicles each year;

may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee, before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.

As added by P.L.2-1991, SEC.10.

IC 9-22-5-17

Reckless violation of lien or vehicle owner identification

provisions; classification

Sec. 17. A person who recklessly violates section 14 or 15 of this chapter commits a Class A misdemeanor.

As added by P.L.2-1991, SEC.10.